

G. R. S. IX-5]

Previous references.

4-85-6
-5-87-10
-11-90-4
-88-96-5-
Later references.

1915. 16

(Courts)

File No.

73-15

Serial Nos.

1-9

~~Re~~ Preserve
AM 30/6/27

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

1-9

Part B for

Dec 16

SUBJECT.

Discontinuance of the circuit
system of Sessions at Tumkur & Kolar

- 9) 20 The Dy. Ch. Ct
" Dy. of Police.
" Dy. of Prisoners
" Dy. of Kolar & Tumkur
- f 2229-33
21/10/16

In the matter of the discontinuance of
of the circuit system of sessions trials of the Dy. Ct
at Tumkur & Kolar. It is stated that the existing
system requires no change for the present.

W D 88-GPB-50,000-24.7.16

Mohamud
26/12/16

(For disposal at a meeting)

No. C. 677

16/9/1916.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause viii of the Schedule).

Proposal of the Chief Court for the discontinuance of the circuit system of sessions trials of the Bangalore Division at Tumkur and Kolar.

CIRCULATED TO THE MEMBERS OF COUNCIL.

15th September 1916.

By Order,
[Signature]
Under Secretary to Government.

Extraordinary Member of Council.

[Signature]
5.10.16. 2006/11

First Member of Council.

[Signature] 25/9 2006/11

Second Member of Council.

[Signature] 1.10 2006/11

15/9.16
28-7
28-9.16

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 73

FILE HEADING.

Discontinuance of the circuit system of
Sessions at Tumkur and Kolar.

From

The Registrar, Chief Court.

No. $\frac{1230}{89}$ Dated $\frac{2}{3}$ - 9 - 1915

Received 4.9.15

Diary No.
J695

Enclos. 1

Spare Copies.

Serial No. 1

BRIEF ABSTRACT OF LETTER.

Submits for the consideration and orders of the
Hon'ble Chief Court on the question of discontinuing
the circuit sittings at Kolar & Tumkur of the Sessions Judge,
Bangalore Divⁿ,

NOTES AND ORDERS.

1) When the Dist. & Sessions Court at Bangalore
has been abolished & the original civil & criminal
jurisdiction over the ^{Bangalore} ~~Madras~~ Division vested in
the Chief Court, the system of trying Sessions cases

N
1400-1406
1403-06-3

9.11.06

NOTES—First Sheet.

Serial
No.

of Teekum t kdar d. 15 at Bangalore was
in force.

Sub orders.

187.

9.9.15 2) Please put up references to show
when Circuit Sessions were first started
and what circumstances.

Es
16/8

3) Subd. From the routine notes put up it will be
seen that references prior to 1883, showing
when circuit sessions were first instituted,
could not be traced. Mr Chennarekhara
Aiyar's note of 5.6.1897 gives a brief
account of the correspondence that has
taken place in the matter of the Sessions
Cases of the Madras Division being tried
at Bangalore.

187.

27.9.15 4) If approved, the opinions of the
Deputy Commissioners, and of the D. of
Police and of the D. of Prisons will be
called for on the subject, and a note ^{will be} submitted

Es
28/10

Just-Member 5) Yes-

31/10/15

27/11

to Draft

18/11

Serial
No.

1
ms A
1/12

6) origi no^d.

key.
237/11/15-12/11

7) 23/11/15
23/11/15

2 To The D.C. Kolar, The D.C. Tumkur
The S.G. of Police, The S.G. of Prisons
no 2037-40 27-11-1915
calls for their views on the question of
discontinuing the circuit sitting at Kolar
and Tumkur of the Sessions Judge of the
Bangalore Division.

3 From The S.G. of Prisons
no 1945 D 2-12-15
Furnishes his opinion on the question of
discontinuing the Circuit sittings at Kolar & Tumkur.

4 From The D.M. Kolar dt.
no 239 D 10-12-15
States that he agrees with the views of the
Judges of the Chief Court in the matter.

5 From The D.C. Tumkur dt.
no 307 D 28-12-15
States that he agrees with the views of the
Judges of the Chief Court.

R. S. 12]

General and Revenue
Secretariat.

File No. 73

of 1915

	Serial No.	
	6	From the S. G. of Police no 4269 543 12-2-1916. Furnishes his opinion on the question of discontinuing the circuit sittings at Molar and Sumner. 8) Out of the four officers consulted, the S. G. of Police alone expresses himself ^{to be} against the abolition of the circuit system of sessions. Subd with refc to paragraphs 4 & 5.
ck 3/3		16. 9th 23/2/16 9) Please call for a statement of suits filed and disposed of, sessions cases tried, ^{by the} appeals transferred to ^{Sessions} and disposed of by the Judge of Bangalore for the last 3 years.
✓ Sub A		10) Sup. subd. 16. 9th 4/3/16 11) Issue Action 4/3
	7	To the Registrar Chief Court no 3589 4-3-1916 Calls for a statement showing the no. of suits filed and disposed of, sessions cases tried, and of the appeal disposed of by the S. G. and Sessions Judge of Bangalore during the

G. R. S. 12]

General and Revenue
Secretariat.

cl- File No. 73

of 1915-16

Serial
No.

8

have since years.

From the Registrar, Chief Court

No $\frac{4664}{357}$ of $\frac{26}{28}$ 3.1916

Forward the statement called for.

(2) Subd with refer to para 9.

leg.

31/3/16

13) This question has been raised a number of times in the past, and its previous history has been clearly stated in the memo of 5.6.1897. Most of the arguments now advanced by the Chief Court for the abolition of the system of circuit sessions has been advanced in the past, and on identical terms.

14) The reasons put forward for the abolition are

1. Bangalore is more easily accessible than ~~the~~ ^{Kol}

~~District Head Quarters~~ ^{at the} owing to the new R^d Commⁿ in the vicinity

2. Bangalore offers better facilities for the accommodation of witnesses & parties

3. The inconvenience to ~~some~~ of the witnesses of journey may not be much

4. More civil work can be done if the Judge is at H^d Quarters

5. Better choice of juries can be made at Bangalore

6. Less Sessions cases of Kol & Tumkur may be transferred to the Assistant Sessions Judge

F
C85-06-5
Page I

Serial
No.

7. The change will be financially less
expensive, & lastly

8. The D^r cons will have no trouble about the
supply of accommodation to the Jdgs.

10) The Deputy Commissioner of Kolar & Dunsken
and the D^r Jdgs are agreeable to
this proposal, but the D^r Jdgs are against
it. The argument about the R^d
Communications applies with equal
force to the D^r Head Quarters now that
there is easy communication between
Chickaballapur & Kolar; and the incon-
venience to Dunsken witnesses can also
be avoided if the existing system is not
altered. The financial advantage does
not appear to be so clear as is alleged.
The additional expenditure that will
have to be incurred by way of travelling
allowance to all the D^r Jdgs & their clerks
will be more, & any rate it requires
~~positive~~ consideration by the Financial
Branch. As stated by the D^r, the
system of periodical Sessions will have
a great moral effect on the people if
held at the H^d Quarters of each D^r, and
it ~~can~~ will enable the Jdgs to inspect

Serial
No.

the Subordinate Coms more frequently than now. The one or two days that the Sessions Judge may find himself without work may thus be utilised for inspection. The Dy. also considers that there are ^{great} chances of business being tampered with in Bangalore.

16) Another ^{argument} ~~reason~~ against the change is that the frequent absence of the Dy. and his officers from the District for a long period is likely to dislocate the ^{administrative} work to a very great extent.

17) The Statistics furnished by the Chief Com. show that there has not been any appreciable increase in the Civil or Criminal work in Bangalore Com.

~~The~~ Submitted for favour of order

Es
31/3/16
1.4.16.

133.
12.4.16.

Side has 2 of the Deps
letter of 2-9-15.

Second Member)

18) The Chief Com. have expressly asked for an opportunity of meeting objections raised before final orders are passed. The file may therefore be unofficially referred for favour of further observations ^{by the Dy. & the Justices} if any.

~~The Dy. & the Justices~~ 19) The file may be sent down ^{to the Dy. & the Justices} without the notes as required

Done
12/4
S. 14/3

Sup
14/4

Copy sent to
File sent with U.O. No 35/16. 4.16
to the Dy. Comr. Contn. sheet.

Serial
No.Discontinuance of the circuit system
of Sessions at Tumkur and Adar.H.O. 55-15
D 14-4-16

Paper under Disposal

G 16

Forwarded in speciality to the
Registrar, Chief Court, with reference to
paragraph 2 of his letter no $\frac{1230}{89}$ of 2nd Sep 15
for favour of obtaining the further
observations of the Judges, if any, on the
objections raised by the Inspector General
of Police in his letter dated 12th Feb 1916.

By order

Esamiasan

Bampalae }
14th April 1916 }

For Secretary to Govt
Genl Dept.

14. 4. 16

C. Reg. No. 70

1916-17

dated 6th Aug 1916.P. T. O for the judges opinions.

u. 2/6/7.16
H. P.

O P I N I O N S

The CHIEF JUDGE :-

"21) I do not find anything in the arguments of the Inspector General of Police to deter me from continuing to support the proposal originally made. If it be true that the central Court was found 'most inconvenient' that may be a good argument, but the Inspector General does not say by whom it was found most inconvenient: I gather from Mr. Carr's letter that the inconvenience was to the Police, and Mr. Justice Mir Humza Husein seems to support that contention. I am not greatly impressed with the argument, for I do not see that it is necessary for the District Superintendent of Police to be constantly attending Sessions, and for subordinate officers whose Head Quarters is not at Kolar or Tumkur, there seems but little more ~~like~~ likelihood of inconvenience or dislocation of work by their coming to Bangalore than by their going to Kolar or Tumkur.

"22) It is or should be seldom that a medical officer has to attend Sessions: still more seldom that the medical officer at District Head Quarters has to do it. When he has to do so, my experience in the Madras Presidency is that it can be in almost all cases arranged that he should come in only at a time when it is known that his evidence can be taken without delay. The telegraph makes that easy: I do not know if the Head of the Medical Department has raised objections: if he does we can consider them.

23) I think the Inspector General of Police is mistaken in thinking that decisions on circuit will be more prompt than those in Bangalore. On the other hand dates can be fixed with more certainty in Bangalore without detriment to other work of the Court, and the trial of a case from, say, Chikballapur at Kolar is really no more a decision 'on the spot' than a trial of the same case at Bangalore. As to greater chance of tampering with witnesses (I presume the Inspector General means by the defence not by the police) prima facie the farther the witnesses are from their homes the less likely are they to be tempted but I do not suppose that there is really much difference. The Inspector General says circuit sittings are "considered best": Again I should like to ask him 'by whom'? Mr. Justice Mir Humza Husein suggests Lord Alverstone but conditions are very different here, and there are many who do not share Lord Alverstone's opinion.

24) We are not asking people to come out of their way more than at the most 40 miles farther by rail than they would have to go under the existing system: and I do not myself believe that a criminal Court sitting in a Traveller's Bungalow or the District Magistrate's Office once a month or so is likely to have any moral effect of any kind whatever, good or bad, on the people of the District in general.

The Inspector General says the system has worked 'admirably well': if I agreed I would not ask for a change, but so far as I can see it involves a good deal of dislocation of work and waste of the time of the District Judge: that it has suited the convenience of "all concerned" is I venture to think a

statement

(11)

statement made without perhaps very accurate information. As to the giving of prestige to the Head Quarters stations I really am not competent to express an opinion. There would be more in it perhaps if civil as well as criminal cases were tried on circuit, but the consideration does not seem to be of great importance, and does not appear to press upon the Deputy Commissioners, both of whom have expressed agreement with the views of this Court as to 'the desirability of the change of system.'

25) To my mind the considerations put forward in our letter, the saving of time to the District Judge, both by the fact that he can arrange his sessions to better advantage and can transfer cases to the Assistant Sessions Judge, the better accommodation for the Court at Head Quarters, and the greater facilities afforded to accused persons for retaining the best Advocates, must outweigh the objections of the Inspector General of Police.

26) We have not proposed to alter the system in Mysore and Shimoga at present, and Mr. Carr's letter includes those divisions in his condemnation: he also seems to undervalue the services of the Vakils as those are apt to do who do not know from personal experience how much help they can and often do afford to the Judges on whom lies the burden of deciding difficult questions of fact. Moreover in the present case the suggestion has not emanated from any Vakil."

Dated 26th June 1916.

Further opinion.

27) I have seen Mr. Justice Mir Humza Husein's second note and considered it, but it has not caused me to alter my opinion.

28) Mr. Justice Mir Humza Husein believes that the people at large may object to the change but I doubt very much whether they will care in the least where the Sessions cases of the District are tried except on grounds personal to particular individuals as for instance on the infrequent occasions when they have to figure as witnesses. The people of Tumkur and Kolar towns will probably be glad to be relieved of the duty of providing assessors and jurors.

29) It may be that the lawyers of Kolar and Tumkur will be sufferers, but not I think to a very great extent: after all 14 sessions cases in a year can hardly make much difference to the Tumkur Bar, and defending criminals is not as a general rule a very profitable form of business. It is not as if we had civil cases tried on circuit. And it must always be remembered that the people of Chikballapur, to take an instance, cannot be presumed to prefer Kolar to Bangalore as the Head Quarters of their District. I do not suppose they were consulted when the administrative divisions were created: and if they have to employ lawyers of Kolar instead of Bangalore, that is not their fault but their misfortune.

30) The objection that we shall throw too great a burden on the people of Bangalore in the way of finding jurors and assessors is not I think of great weight, at least I should not be prepared to attribute much validity

validity to it in the absence of further evidence. I should guess that to find say fourteen reasonably intelligent and impartial juries at Tumkur would cast a heavier burden on the citizens of Tumkur, than would be thrown on Bangalore by the trial of there of twice the number of cases: I do not attribute any great importance to the consideration that the Bangalore assessors and jurors will have to try cases arising in other Districts. District boundaries are mainly administrative necessities and it does not seem to me that the Bangalore public would have any greater grievance because they might have to provide jurors and assessors for the trial of inhabitants of the Tumkur and Kolar Districts, than the people of Madura have by reason of performing the same services for the people of Palni; or the people of Salem for the people of Hosur. And unless the criminal work increases considerably the burden of finding jurors and assessors for all the cases in the Bangalore Division will be considerably less than that cast on several of the Madras Districts, such as Coimbatore and Salem where the number of persons available for service on juries and as assessors can hardly be greater than the number to be found in Bangalore and the vicinity while the number of cases to be tried annually is considerably greater.

31) Mr. Justice Mir Humza Husein believed that there will be agitation against the proposal in the Representative Assembly: that may be, and the Government will doubtless modify the system or revert to the present ~~any~~ system if it finds that the agitation against the change is based on such good grounds that it ought to prevail against the views of the Sessions Judge, the Public Prosecutor and the Deputy Commissioners

Commissioners, as well as the counter agitation: for I do not believe that the agitation would be all one way.

32) The advantages of the change are in my view real and substantial: the disadvantages are mainly sentimental or conjectural. Inconvenience to the Police is the strongest of them, and I do not think it outweighs the advantages."

Mr. Justice T. PARAMASIVA IYER :-

"33) In mofussil stations like Kolar, Tumkur, Chitaldurg, Chikmagalur and Hassan, the bar is comparatively weak and the combination of police and magisterial functions in the Executive Heads of the Taluks and Districts and the circumstance that the Lock-ups are practically under the control of the police give special advantages to the prosecution in sessions cases especially where the accused is too poor to engage capable counsel from Division Head Quarters and the opinion of Mr. Carr whose attempts to subordinate the judiciary to the police created so much scandal a decade ago is entitled to no weight in a matter of this kind. It is my experience that in places like Kolar, Tumkur, Hassan, etc., which are no better than big villages the assessors are easily influenced by the police as well as influential parties, and I would abolish the circuit system throughout the Province."

Dated 6th June 1916.

Further opinion.

34) I entirely agree with the Chief Judge's opinion."

Dated 28th June 1916.

Mr. Justice MIR HUMZA HUSEIN :-

" 35) I am not generally in favour of disturbing the established order of things, but in this instance I do not like to offer any decided opinion as the proposal to abolish circuit sessions for the Bangalore Division is supported by the unanimous opinion of all the Judges who constituted the Chief Court Bench at the time the reference under consideration was made. I feel, however, that I shall be failing in my duty if I were not to bring to the notice of the Government and that of my learned colleagues the opinion of Lord Alverstone, the late Lord Chief Justice of England, upon the question of circuit sessions which is an established institution of the judicial system as it prevails in England. Every county in England is, I think, connected by rail with London, and is not more than a few hours' journey from the Metropolis, and yet the late Lord Chief Justice observes as follows in his book 'Recollections of Bar and Bench' (pages 280-281).

"There has lately been a constant agitation respecting the circuit system. Large numbers of people, particularly those who are mainly interested in London business, think that London work is the only important branch of litigation, and that Judges should never be taken away from London to try cases elsewhere. In my opinion this is a fallacy, and I have the strongest feelings upon the matter. The circuit system has prevailed for centuries, and the visit of the criminal Judge, often called the 'Red Judge' is regarded as an event of great importance. I have never been

been able to understand why a litigant in a civil proceeding should be forced to have his case tried at some place which is not its natural arena. The expense of a Judge and Clerk of Assize or associate visiting a town is a mere nothing compared with the expense occasioned if the parties and all the witnesses have to attend at some place which may very likely be many miles from the assize town. The subject however is a very large one, and I must not be tempted to enter into detailed arguments, but I sincerely trust that no court will ever be deprived of its assizes or goal delivery."

36) I may add that though Bangalore is nearer by rail to some places in the Kolar District than the Head Quarters Town of Kolar itself, yet the question of the accommodation of witnesses and the distance of the Court house from their halting places is a factor that cannot be overlooked, and in this respect the advantage lies decidedly in favour of Kolar as also of Tumkur. It is not easy to find accommodation for witnesses at Bangalore. The few chatrams available are generally overcrowded and they are not within convenient distances from the Court houses. The witnesses have generally to engage a jutka or other conveyance in order to go to the Court house, and for this they are not separately paid. On the other hand, good chatrams are available both at Kolar and Tumkur and they are within easy distance of the Court house.

37) There is also much force in the argument of the Inspector General of Police that the proposed change

change will cause dislocation of work. This aspect of the case has not been considered by the Deputy Commissioners of Kolar and Tumkur who were consulted in the matter; at least they have not specially referred to it in their communications. But what the Inspector General of Police says is a fact. There will be dislocation of work not only in the police, but in the Revenue and Medical Departments also. Under the present system, Amildars have to investigate heinous cases especially cases of murder and they are assisted in the investigation by the local Inspector and Jemadar. As investigating officer, the Amildar will have to attend the Sessions with his staff of Police Officers. The Superintendent of Police is also required to be present at the Sessions. The Sub Assistant Surgeon and sometimes the District Medical Officer who countersigns post mortem certificates is required often to give evidence. Thus during the trial of a Sessions case, the whole executive machinery of a Taluk and some of the important executive officers of the District will have to be away from their District if the sessions are held in Bangalore. If the case is an important one, or as it generally happens, it is ^{not} taken up on the day on which it was to come off for hearing, then their stay at Bangalore will be prolonged and may go up to a week or even a fortnight at a time. It is for the Government to say whether the inconvenience resulting therefrom does not overbalance the slight ~~adv~~ advantage which ~~accr~~ accrues by the abolition of the circuit sessions in the matter of the disposal of civil business.

33) The moral effect of holding the Sessions at District Head Quarters cannot altogether be ignored, but the chief advantage of the system lies in its

educative

educative value as it affords good training to the people in the duties of citizenship and it seems to me that people in the mofussil do require such training.

33) As for the police exercising any influence over the prisoners in the District Lock-ups, I may state that these Lock-ups are in charge of District Medical Officers with a separate establishment for each Lock-up independent of the police. As regards the assessors my experience is otherwise, and I do not think that the Police are capable of exercising any influence over them in these days of liberty, freedom and independence of thought and action."

Dated 13th June 1916.

Further opinion.

40) I would like to refer to another aspect of the case which has not been hitherto considered. Would the change be welcomed by the people at large? I am sure that it will not be liked by the lawyers of Tumkur and Kolar as, in the first place, it would affect their income and, in the second place, it casts a reflection upon their professional capacity. There are now settled at Tumkur and Kolar very many competent lawyers who are able to conduct the sessions and in important cases the accused freely engage the services of lawyers at Bangalore. The people, so far as I know, have not complained that it is more costly for them to engage the services of lawyers at Bangalore when the Sessions are held at the District Head Quarters of Tumkur and

Kolar

Kolar, than it would have been if they were held at Bangalore.

(1) do not know what the people of Tumkur and Kolar may say, but we know that lawyers as a rule control the public opinion. The people of Bangalore too may not like the change. On account of the introduction of the jury system in the District of Bangalore, a larger demand will be made on their services than was hitherto the case and why should they be burdened with the duty of trying cases which do not pertain to their District? Their time is valuable and prolonged attendance in Courts will affect their business. I am sure there will be agitation against the proposed measure in the Representative Assembly.

(2) But after all is the work of the District Court, Bangalore, so very heavy as to demand this change? If it is not, and that is also my opinion, matters may remain as they are."

Dated 1st July 1916.

N. R.opalunjan

REGISTRAR.

M

N.G.

Serial
No.

(43)

Subd with reference to para 18.

8/7/16
9/11/16

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10-7-16

Second Member)

44) Everything that can be said for or against the proposed change has been said by the ^{various} authorities consulted. My own opinion (based on some amount of personal experience of the circuit system as well of the system of trials at Bangalore) is in favour of holding all trials ^{at Bangalore}. I have nothing to add to the reasons stated with much cogency by Sir Leslie Miller, the Chief Judge, ^{or to his terse} ~~and~~ summarizing up, in para 32 infra, of the advantages & disadvantages of the change.

The file may, with the Dewan's approval, be circulated to the other members of Council for recording their opinion.

12/11/16
HIT

45) In favour of the Dewan

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Secy)

Dewan)

(47)

The papers may be circulated & brought up at a meeting of Council.

12.9.16.

Hb

439

22.7.16

NOTE—Contn. sheet.

C.S. in order

GPB-70,000-17-12-15

14/9/16

Extract from the Proceedings of the.....399th.....Meeting of the Council
 of His Highness the Maharaja, held at.....Bangalore,
 on the.....30th October.....19 16.

14. SUBJECT.- (Clause viii of the Schedule).

Proposal of the Chief Court for the discontinuance of the
 circuit system of Sessions trials of the Bangalore Division at Tumkur
 and Kolar.

OPINION OF THE COUNCIL.

(48) The existing system requires no change for the present.

Sd. M. Visvesvaraya,

Dewan of Mysore.

"EXTRACT"

D. M. Narayana Rao
 31/11/16
 Secretary to Government,
 General Department.

General and Revenue
Secretariat.

File No. 73 of 1915.

Serial
No.

49)

To the Assistant Secretary, Branch III,
for kindly submitting the file to the First Member
of Council with a draft Final Note.

5/16

Dues

01/10

3/10

0 50)

P. F. R. put up.

8 11.11.16

9/11/16

51) For favour approval

18

10/11

First Member)

517
10.11.16

52) Fair note signed by 1st
member is put up.

Dues 13/11
25/11

8

13/11/16

14/11

53)

P. F. R. put up.

8 11.11.16

9/11/16

54) For favour approval

18

14/11

Secy.

Dewan)

Dues of Rao
14/112754
15.11.16

Final Note by the First Member of Council.

Subject:—

Question of discontinuing the circuit system of Sessions trials of the Bangalore Division at Tumkur and Kolar.

Papers under disposal

55) The Chief Court for reasons given in their letter No. 1230/89 dated 2nd September 1915 recommend that the system of holding the trial of the sessions cases of the Kolar and Tumkur Districts at the respective head quarters may be discontinued.

56) 2. The Deputy Commissioners of Kolar and Tumkur as also the Inspectors Generals of Police and Prisons were consulted in the matter. Of these only the Inspector General of Police objects to the proposed change while the rest agree that it would be an advantage.

57) 3. As the Judges of the Chief Court requested that before final orders were passed they might be given an opportunity of meeting objections, if any, the papers were referred to them unofficially and their views are contained in pages 9-18 of the notes.

58) 4. The grounds on which the proposed change is now advocated have been urged in the past and are briefly as follows:—

59) The extension of railway communication has made Bangalore more easily accessible than Kolar; while for the accommodation of parties and witnesses, and for the selection of assessors, there are greater facilities in Bangalore than either in Kolar or Tumkur. The proposed system, besides being less expensive (in the shape of travelling allowance and patta) will enable the Sessions Judges to make better arrangements for the disposal of his civil work

* Z. Z. SLR
* 9. 9. SLB

Pages.
* Page 8 of office notes

work which is now hampered by his having to be absent from head quarters at irregular intervals and for indeterminate periods. Another consideration is that the less serious Sessions cases may be transferred to the Assistant Sessions Judge who sits only at Bangalore; and lastly the Deputy Commissioners will be relieved of the difficulty of finding accommodation for the Sessions Judge.

59) 5. On the other hand, it is urged that the consideration of the facility of railway communication applies with equal force to the two district head quarters as to Bangalore and that the financial advantage cannot be said to be in favour of the proposal without further investigation. Under the existing system the Sessions Judge can inspect the maffassil courts more frequently and can utilise any spare time during the trial of Sessions cases for the purpose. The moral effect on the public of the sessions at district head quarters is not altogether negligible. Stress is also laid on the fact that the frequent absence of the Police officers and others from their stations is likely to dislocate their work considerably. The civil and criminal work in the Bangalore District Court has not increased to an appreciable extent.

60) 6. Mr. K. S. Chandrasekhara Aiyar, when Second Member of Council has noted that everything that can be said for and against the proposed change has been said by the authorities consulted and that his own opinion based on some amount of personal experience of both the systems was in favour of holding all the sessions trials of the Bangalore Division at Bangalore.

61) 7. The question was considered at a meeting of the Council who are of opinion that the existing system requires no change for the present.

8. The opinion of the Council may be approved.

[Signature]

13th Nov
1916

* Page 18 of office notes

* Page 20 of do

(24)

Submitted to His Highness.

* C

b2) I submit herewith, a Final ^{*}Note by the First Member of Council on the question of discontinuing the circuit system of Sessions trials of the Bangalore - Division at Tumkur and Kolar.

* Page 20 of office notes -

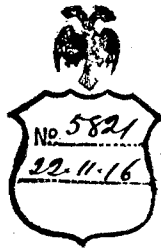
b3) 2. The opinion ^{*}of the Council that the existing system requires no change for the present may be approved.

102

M. Viswanatha -
22nd Nov. 1976 -

Record of Cases submitted for the Orders
of His Highness the Maharaja.

Subject.



Question of discontinuing the -
circuit system of Sessions trials of
the Bangalore Division at Tumkur and
Kolar.

521

Order.

(6a)

Approved.

Vide D.O. letter No. 143 dated 29th
November 1916, from the Private Secre-
tary to His Highness.

Surat

29.11.16

ho

(65)

Surat

29/11/16

25
D.O.No.243.
Enc.one with 33 files.

THE PALACE,

M Y S O R E,

29th November 1916.

My dear Sir,

I am directed to return the Files noted in the enclosed list and to say that His Highness approves of - your recommendations in all cases.

The Files have not been initialled by His Highness owing to his illness.

Yours sincerely,

Ed/- R.H.Campbell.

Sir M. Vivekavaraya, K.O.I.E.,
Dewan of Mysore,
Mysore.

x

x

x

x

File No.531. Subject- Question of discontinuing the circuit system of Sessions trial of the Bangalore Division at Tumkur and Kolar.

x

x

x

x

" COPY "

Sridajagopal

Under Secretary
duty with the Dewan.

87634

(27)

G. R. S. 12]

General and Revenue
Secretariat.

Cto File No. 73 of 1915.

Serial
No.

(66) Draft order put up.
8
11.12.16) KK
16/16

88
18/12

Sadly

First Member

1159
18.12.16

Draft approved by the First Member
18.12.16

805

(67) 18/12/16
88
19/12

9 To the Registrar Gen. Court

The S. G. & Police

The S. G. & Prisons

The D. H. School

The D. H. Luncheon

No 2229-33 21st Dec 1916

States that Govt consider that the
existing system requires no change
for the present.

no = 1230 Enl
. 89

CHIEF COURT OF MYSORE, (2)

BANGALORE, dated the 2nd September 1915.

3-5

From

DIARY No. 2695

N.T. GOPALIENGAR, Esquire, B.A., B.L.,
Registrar of the Chief Court of Mysore.

To

D. M. NARASINGA RAO, Esquire, B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r,

I am directed to submit for the consideration and orders of Government the views of the Chief Court on the question of discontinuing the circuit Sittings at Kolar and Tumkur of the Sessions Judge of the Bangalore Division.

2 The Judges have consulted only the Sessions Judge of the Division and they recognize that the matter is one which concerns^s also the Deputy Commissioners of the Kolar and Tumkur Districts, as well as the officers of the Police Department in those Districts. Should the Government be pleased to invite the opinions of those or other officers, the Judges venture to hope that before final orders are passed they may be given an opportunity to meet, if they can, any ob-

Sections

objections which those consulted may raise against the proposal.

3 The reasons which have led the Judges to the view that the time has now come to discontinue the Circuit Sessions are briefly the following :-

The recent opening of the railway line to Chickballapur has made a considerable part of the Kolar District more easily accessible from Bangalore than from Kolar. Even without the new railway, Chickballapur, Bagepalli, Gudibanda Sub Taluk, Malur and Goribidnur are within easier reach of Bangalore than of Kolar, and the new railway will in the part which it serves, make the difference very considerable.

The Kolar Gold Fields which supply the greater number of Kolar cases, though nearer to Kolar than to Bangalore, are served by a direct broad gauge railway between them and Bangalore, and by a light railway involving a change of gauge at Bowringpet between them and Kolar, while Bangalore offers better facilities for the accommodation of witnesses and officers on duty in connection with the cases, than does Kolar.

So far then as the Kolar District is concerned the Chief Court thinks the balance of convenience is clearly in

in favour of Sessions trials at Bangalore. The Sessions Judge concurs in this opinion.

In 1914-15 fourteen cases were committed to the Sessions at Tumkur and 145 witnesses were examined there, and it cannot be said that to require the persons having business at the Sessions in connection with those cases to come on from Tumkur to Bangalore a matter of two hours in the train, would have been a grievous hardship.

There are other considerations which seem to support the proposed change. The original civil work of a District and Sessions Court is always hampered to some extent by the necessity of giving ~~priority~~ priority to criminal cases, but this is still more the case when the Judge has from time to time to leave Headquarters for the trial of criminal cases at other centres: civil judicial work cannot be done away from head quarters, and it may happen that on circuit a Judge may find ~~himself~~ himself in possession of a day or two on which he can do nothing, but which if he had been in head quarters he might have filled with civil work. Moreover the posting of civil work is rendered difficult when the Judge has to be absent at irregular intervals for indeterminate periods: and a court sitting in one place can more easily fix regular dates for

the commencement of the Sessions from time to time.

A somewhat important consideration too is the fact that in Bangalore a greater and better choice of assessors is available than in Kolar or Tumkur. In important cases this makes a considerable difference.

And as the Sessions Judge points out it will be possible to transfer the less serious Kolar and Tumkur cases occasionally to the Assistant Sessions Judge, who sits only
(3) in Bangalore.

The Sessions Judge's opinion that the proposed system would be to a small extent less expensive than the present is borne out by the figures given in the appended statement, from which it will be seen that if all the witnesses examined at Tumkur and Kolar in 1914-15 had to go from their homes first to Tumkur or Kolar as the case might be and then to Bangalore, the extra expenditure in travelling allowance to witnesses would have been roughly Rs. 360/- (145 witnesses at Rs. 1-2-0 = 163: 131 witnesses at Rs. 1-8-0 = 197 total Rs. 360/-): to this if we add one rupee a head for total
batta we get a ~~total~~ of Rs. 630/-. while the cost of moving the court amounted to Rs. 641/-.

Actually the result is likely to be more favourable to the Government as there will be many cases in which witnesses will not have to go to Kolar en route for Bangalore, and many cases in which nothing more will be payable as batta than would have been paid under the present system.

The Sessions Judge also points out that the change will save the Deputy Commissioners the trouble of having to provide accommodation for the Sessions Court and states that though he personally likes going circuit he considers, and the Public Prosecutor agrees with him, that the weight of public advantage is on the side of the abolition of the Circuit Sessions.

The Judges are of the same opinion.

I have the honour to be,

Sir,

Your most obedient servant,

H. H. Palaniappan

REGISTRAR.

N.G.

sd/

Number of Sessions Cases contributed to the Sessions Court of the Bangalore Dvn: by the Tumkur and Kolar Districts during the past 3 years :-

	<u>Tumkur District.</u>	<u>Kolar District.</u>
1912-13	8	12
1913-14	9	8
1914-15	14	13
	<u>31</u>	<u>33</u>

Number of witnesses to whom batta was paid in the Tumkur and Kolar Districts Sessions Cases during the past 3 years and the amount so paid.

<u>Tumkur cases.</u>			<u>Kolar Cases.</u>		
No.	No. of witnesses.	Amount.	No. of witnesses.	Amount.	
1912-13	81	Rs. 105- 3- 5	101	Rs. 280-11- 0	
1913-14	130	283-10-11	115	276- 1- 0	
1914-15	145	383- 0- 0	131	417- 8- 6	
	<u>356</u>	<u>771-14- 4</u>	<u>347</u>	<u>974- 4- 6</u>	

Number of witnesses in the Tumkur and Kolar Districts Sessions Cases during the past 3 years detained for.

	<u>One day.</u>	<u>Two days.</u>	<u>Three days.</u>	<u>Four days and more.</u>
1912-13	94	137	--	--
1913-14	79	53	26	6
1914-15	46	73	1	24
	<u>219</u>	<u>263</u>	<u>27</u>	<u>30</u>
			<u>75</u>	<u>78</u>

Travelling allowance drawn by the Sessions Judge and his establishment during the 3 years for the Tumkur and Kolar Sessions.

	<u>Sessions Judges.</u>	<u>Establishment.</u>
	<u>Tumkur</u>	<u>Tumkur.</u>
1912-13	142- 0- 0	56- 7- 9
1913-14	163- 0- 0	211- 3- 3
1914-15	168-14- 0	132-15- 7
	<u>473-14- 0</u>	<u>400-10- 7</u>
		<u>569-(3- 2)</u>

Railway fare from Tumkur and back by the mail train is Rs. 1-2-0 and by the passenger train 0-14-6, and that from Kolar and back Rs. 1-8-- and 1-4-- respectively.

U. R. Gopalalingam
Registrar

Encl to Ck
73 15

12/20/11

f

G.R.S. 26]

(34)

SUBJECT.....

Diary No. of letter replied to.....

Section C 6

File No. 73-15

Serial No. 2

General and Revenue Secretariat

()
the 191

No. 92037-40 / enc. 2 to each

Date of issue 27-11-15

To

The Dy Commr,

Signed by Mr. C. Binivata Dyt.

1 Kdai Dist

2 Tunkur Dist.

3 The Sg. of Police

4 The Sg. of Prison.

Sir,

Copies to be typed for being
sent to the addresses.

I am directed to forward
herewith copy of letter^x no 1230
89
dated 2nd Sep^r 1915 from the Regis-
trary Commr, ~~sent~~ expressing the
views of the Chief Commr on the
question of discontinuing the

M. over.

recent sitting at Adar and
Tunkun of the Posen's judge
of the Bangalore Division and
to request that Govt may
be favoured ^{at a very early date} with your views
on the subject.

I have to

Yrs
23/11/11

For Secy to Govt

Yrll Dept

Wg. M
23/11/11

List of enclosures.

Copied by

Examined by

Pris. 2]

OFFICE OF THE INSPTR.-GENL. OF PRISONS IN MYSORE,

No.

1945
44-15

DATED BANGALORE, 24th Dec 1915.

36

FROM

Rajakaryapravina Rao Bahadur

T.V. Arumugum Mudaliar, Esquire, M.B., C.M.,

Inspector-General of Prisons in Mysore,

Bangalore.

DIARY No.

1504

12-5-16	
SECTION	Cb
FILE No.	73-15
SERIAL No.	3

To

D.M.Narasinga Rao, Esquire, B.A., B.L.

Secy. to the Govt. of H. H. the Maharaja of Mysore,

General and Revenue Departments

SIR,

In reply to your letter No. J. 2030-40/Cts.73-15-2 dated the 27th November 1915, forwarding, for my opinion, a copy of letter No. 1230/89 of the 2nd September 1915 from the Registrar of the Chief Court of Mysore, I have the honor to state that I agree with the views expressed by the Judges of the Chief Court on the question of discontinuing the circuit sittings at Kolar and Tumkur of the Sessions - Judge, Bangalore Division.

I have the honor to be,

Sir,

Your most obedient servant,

T.V. Arumugum

Signature

Inspector-General of Prisons.

11/3/12
From

The Inspector-General

of Prisons in Mysore,

Bangalore.

To

The Secretary to the Govt. of Mysore,
General and ~~Revenue~~ Departments

Dated 2nd December 15

Despatched du

Received

General No. 1945

No. 44-15

Enclosure No.

Subject

Agrees with the views
of the judges of the Chief
Court of Mysore in
the matter of dis-
continuing the Circuit
sittings of the Sessions
Judge, Bangalore.

From

191

MS 15/12
The District Magistrate,
Kolar District.

To

The Secretary to the Govt. of
Mysore, Genl. Department,
Bangalore.

Dated

10th December 1915

Despatched

Received

General No.

No.

Enclosure No.

*Furnishing opinion
on the question of dis-
continuing the Circuit
sittings at Kolar and
Tumkur of the Sessions
Judge, Bangalore Jn.*

239

District Magistrate's office,

Kolar District,

Dated Kolar, 10th December 1915.

From

P. F. B O W R I N G, Esquire, J.P.,
District Magistrate, Kolar District.

To

D. H. Narasinga Rao, Esquire, B.A, B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

DIARY No. J 1661

10/12/16	
SECTION	Ct
FILE NO.	73-15
SERIAL No.	24

Sir,

Adverting to your letter No.J.2037-40/Cts.73-15-2 dated 27th November 1915, forwarding for opinion copy of letter No.1230/89 dated 2nd September 1915, from the Registrar, Chief Court, expressing the views of the Chief Court on the question of discontinuing the circuit sittings of Kolar and Tumkur of the Sessions Judge of the --- Bangalore Division, I have the honor to state that I fully agree with the views of the Judges of the Chief Court in the matter of discontinuing the circuit sessions for reasons shown in para 3 of the Registrar's letter.

I have the honor to be,

Sir,

Your most obedient servant,

P. F. Bowering

District Magistrate,

ht Kolar District.

1915-16

From

The Deputy Commissioner,
Tumkur District.

To

The Secretary to Government,
General Department, Bangalore.

Dated 26th

Despatched 28 December 1915.

Received

General No. 306
No. 5

Enclosure No. 1.

Submits his views
regarding the proposal
to discontinue the
circuit sessions

Office of the Deputy Commissioner,

Tumkur District,

Dated, 26th December 1915.

M. R. Srinivasalingar, Esq., M.A.,

Deputy Commissioner,

Tumkur District.

The Secretary to Government, of
His Highness the Maharaja of Mysore,
General Department, Bangalore.

DIARY No. J. 1828

1915
SECTION Cto
FILE No. Cto 73-5
SERIAL No. 5

In reply to your letter No. J. 2037-
Cto 73-15-2 dated 27th November
calling for my views regarding
the proposal to discontinue the
circuit Sessions, I have the honor
to state that, after giving the matter
my careful consideration I am
inclined to agree with the view
of the Chief Court ^{that} it will be
on the whole advantageous to
abolish the circuit Sessions and
hold the Sessions of this District
at Bangalore itself.

The strongest argument in
favour

favour of the proposed change ^{is}, I
 think, that contained in Sub para
 (5) of para 3 of the Registrar's letter.
 The inconvenience to the public by the
 proposed change will, I think, not be
 very appreciable. Out of the 8 Taluk
 and 2 Sub Taluks of this District the
 Pavagada Taluk will be benefited
 by the change as the people thereof
 have to get into Tumkur only through
 Bangalore.

The Taluks of Gubbi, Tipster (includ-
 ing Turuvekere) and Chikkanayakan-
 halli are connected with Railway, and
 the people of these places may not
 mind an additional 2 hours journey
 by rail, considering the better —
 facilities they will have for
 accommodation and for legal
 advice at Bangalore. The only
 Taluks which will be adversely
 affected are Sira, Maddur (

including

(including Koratāgere) Kunigal and
Tulsi Keri; but the inconvenience to
these places is more than compensated
by the other advantages - particularly
the saving of the valuable time of the
Sessions Judge which will be
secured by the proposed change.

I have the honor to be,
Sir,
Your most obedient servant,

A. Br. - [Signature]
Assistant Commissioner
for Deputy Commissioners
absent from the station

No. 4269
Encl. 1

OFFICE OF THE INSPECTOR GENERAL OF POLICE IN MYSORE.

Dated Camp Mysore, 12th Feb. 1916.

DIARY No. 2269

From

Diwan Bahadur C. SRIKANTESVARA AIYAR, B.A., B.L., -18

Inspector General of Police in Mysore.

To

D. M. Narasinga Rao, Esqr., B.A. B.L.,

Secretary to the Government of H. H. the Maharaj
of Mysore, General Department.

Sir,

With reference to your letter No. J.2037-40/Cts.73-15-2 dated the 27th November 1915, regarding the circuit sittings at Kolar and Tumkur of the Sessions Judge of the Bangalore Division, I have the honour to state that I have considered the subject in all its aspects, and regret to have to defer with the recommendations to alter the present system.

2. The reasons of facilities of communication etc adduced in favour of Bangalore apply with much greater force to hold the Sessions at their respective District headquarter stations. The proposed change had off and on been previously advocated, and experimented on more than one occasion, and the central court being found most inconvenient, we had to revert to the circuit sittings. Justice, specially criminal justice, administered promptly and on the spot has a good deal more moral effect on the criminal classes and evil-disposed persons than leisurely dispensed at the metropolis, not considering the other disadvantages of greater chances for witnesses etc getting tampered with etc. Circuit sittings of criminal courts are considered best, when they can be arranged for, and there do not appear to be

sufficient and weighty reasons for departing from the present system, which has been working admirably well, suiting the convenience of all concerned, and giving additional prestige and importance, in the eyes of the local public, to the respective headquarter stations, to which the up-country people are so much accustomed to resort.

3. In this connection, I submit herewith a copy of letter No.5153/Mis.530 dated the 10th February 1908, to the Chief Court from Mr. F. E. C. Carr, the then Inspector General of Police, with the views wherein expressed I fully concur, and add that the balance of arguments, desirable moral effect and convenience, all together, would seem to lie in ^{favor of} continuing the circuit sittings.

I have the honour to be,

Sir,

Your most obedient servant,



Inspector General.

Letter No.5153/Mis.539 dated the 10th February 1908, from the
Inspector General of Police in Mysore, to the Registrar of the
Chief Court of Mysore.

(42)
Encl 1-15-10
75-1-10-10

Reference - Your letter No.5022/3038 dated 22nd January 1908,
calling for my opinion regarding subject No.15 of the Represen-
tative Assembly Proceedings of 1907 (Circuit Sessions).

I have the honour to state that the old system of restric-
ting Sessions to Bangalore, Mysore and Shimoga led to endless
trouble and hardship to parties and witnesses; and to a hopeless
dislocation of police work - Inspectors and Prosecuting Officers
often having to be absent from their Districts for a fortnight
and more every month.

The advantages of the present system far outweigh the
slight inconveniences. No doubt the Vakils of Bangalore, Mysore
and Shimoga would prefer Sessions to be held at these centres as
it would bring more grist to their mills, but this should not be
allowed to weigh against the convenience of everyone else.

I am strongly of opinion that the present system should
be continued.

C O P Y.

/

G. R. S. 26]

File No. 73-15

Serial No. 7

Diary No. of letter replied to

No. 73589

General and Revenue Secretariat

, the

191

To

The Registrar,

Chief Court

Date of issue 4.3.1916

Sir,

Signed by

M. G. Sreenivasa Iyer

Adverting to your letter no

1230

89

of 2nd Sep^r 1915 regarding the discontinuance
of the circuit & system of sessions at
Tumkur and Kolar, I am directed
to request that a statement showing
the no. of suits filed and disposed of,
of sessions cases tried, and of the
appeals ~~filed~~ transferred to, and disposed of
by, the District and Sessions Judge
of Bangalore during the past ^{five} ~~three~~ years
over.
R.O.

SUBJECT.

may be prepared and forwarded to Dept.

Tharite

Ex
4/5
inter, El depu

kg.
1/3/16
NXL

List of enclosures

Copied by

Examined by

No. 4664
351

III
30/3

Chief Court of Mysore,
Bangalore, dated the 26th March 1916.
28th

SECRET No. J.2624

From

N.T.Gopaliengar, Esq., B.A., LL. B.,
Registrar of the Chief Court of Mysore.

To

D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r ,

Adverting to your letter No: J.3589/Cts.73-15-7
dated the 4th instant, I am directed to forward herewith a
copy of the statement received from the District and Sessions
Judge of Bangalore furnishing the statistics called for therein.

I have the honor to be,

S i r ,

Your most obedient servant,

N. T. Gopaliengar

REGISTRAR.

H.C.C.

dbl

Statement shewing the number of Suits, Appeals and Sessions Cases filed and Disposed of in the Court of the District and Sessions Judge, Bangalore Division, during the past five years.

No.	Years	Originals		Appeals		Sessions Cases		Remarks.
		Filed	Disposed of	Filed	Disposed of	Filed	Disposed of	
1	1911-12	20	8	134	121	34	27	This Court was established from 21-8-1911.
2	1912-13	9	14	141	78	39	30	
3	1913-14	15	6	142	124	38	31	
4	1914-15	12	12	123	209	41	29	
5	1915-16	12	9	151	118	46	48	
	up to 23-3-16							

District Court
Bangalore Division
23rd March 1915

"Copy"
N. Chalapuduru
R. Venkatar
Sd/ R. B. Plummer
District Judge

4
19/11

File No. 73-15

Serial No. 9

Diary No. of letter replied to _____

GENERAL AND REVENUE
SECRETARIAT.

()

*Proceedings of the Government of His Highness
the Maharaja of Mysore*

READ—

the

191

Letter no 1230/89 & 2/3 Sep 1915 from

the Registrar, Chief Court, forwarding for the

Date of issue 21st December 1916

consideration and orders of Govt. the views

Signed by Mr. G. Sreenivasa Iyer

of the Chief Court on the question of dis-
continuing the circuit sessions at Kolar

~~ORDER THEREON.~~ No.

and Tumkur.

2. The following letters on the

Subject :-

(i) No 1945/44-15 & 2-12-15 from the D. G.

over

SUBJECT.

67/11/16

of Prisoners.

(ii) NO 239 of 10-12-15 from the D.C. SL 4

Kolar

(iii) NO 307/5 of 28-12-15 from the D.C. SL 5

Tumkur

(iv) NO 4269/543 of 12/14 Feb 1916 from SL 6

the D. G. of Police.

3. Correspondence ending with letter no 18

4664/351 of 26²⁸ March 1916 from the

Registrar, Chief Court, in the matter.

Order No 2229-33 of 21st December 1916.

The grounds on which the change is advocated are as briefly as follows :-

The extension of railway communication has made Bangalore more easily accessible than Kolar; while for the accommodation of parties and witnesses and for the selection of assessors, there are greater facilities in Bangalore than either in Kolar or Tumkur. The proposed system besides being less expensive (in the way of travelling allowance and batta) will enable the Sessions

GENERAL AND REVENUE
SECRETARIAT.

(Continuation sheet draft form.)

... judge to make better arrangements for the disposal of his civil work which is now hampered by his having to ^{be} absent at irregular intervals and for indeterminate periods. Another consideration is that the less serious Sessions cases may be transferred to the Asst. Sessions Judge who sits only at Bangalore, and lastly that the Deputy Com^r will be relieved of the difficulty of finding accommodation for the Sessions Judge.

On the other hand, it is urged that the consideration of the facility of railway communication applies with equal force to the two at hand, quarters as to Bangalore and that the proposal cannot be said to be financially advantageous without further investigation. Under the existing system the Sessions Judge can inspect the Muffasil Courts more frequently and can utilise any spare time during the trial of Sessions cases for the purpose.

3

The moral effect on the public of the sessions at district head quarters is not altogether negligible and the frequent absence of Police and other officers ^{from their stations} is likely to dislocate their work considerably. The Civil and Criminal work in the Bangalore DC Ct has not increased to such an extent as to ~~present~~ necessitate any relief.

2. After giving the subject the most careful consideration Govt have come to the conclusion that the existing system requires no change for the present.

W
18/12/16

For Gen Secy.

To The Registrar CC Ct with C.L. No. 9 2234 D 21st Dec^r 1916.

The DC of Police

The DC of Prisons

The DC Magistrate of Kolar &

Tumkur

W
18/12/16